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OO RUEHNH
DE RUEHML #4176 2760303
ZNR UUUUU ZZH
O 030303Z OCT 06
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3229
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0037
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
RUEKJCS/Joint STAFF WASHINGTON DC IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE

UNCLAS MANILA 004176

SIPDIS

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E.O. 12958: N/A

TAGS: PREL MARR KCRM CASC RP

SUBJECT: MARINE CASE: PROSECUTION TO CALL NCIS WITNESSES AGAIN

REF: MANILA 4067 AND PREVIOUS

¶1. This is an action request -- see para 3.

¶2. The lead prosecutor in the Marine case, Emilie Delos Santos, informed Embassy that she intends to call NCIS agent Guy Papageorge and investigator Tony Ramos to testify on October 5 as part of the Prosecution's rebuttal case. A subpoena is expected to be delivered to the Embassy the week of October 2. Ms. Delos Santos said that the testimony will only focus on the methodology NCIS used to take notes during their initial interview of LCpl Smith two days after the alleged incident.

¶3. Recommendation and Action request: Embassy believes that the interest of justice will best be served by allowing NCIS witnesses Guy Papageorge and Tony Ramos to testify again in this portion of the trial. The Prosecution has assured Embassy that the rebuttal testimony will be limited in scope and only center on how NCIS conducted the interview of LCpl Smith. Also, the NCIS agents have already testified for the Prosecution once, and we believe allowing them to testify again will continue to demonstrate the USG's commitment to abide by the Visiting Forces Agreement. Embassy requests Department concurrence.

¶4. Also, SSgt Chad Carpentier and LCpl Smith have jointly sent a memo to the Embassy indicating their desire to grant an interview to Lei Alviz of GMA-7, who previously interviewed SSgt Carpentier in July 2006. The memo states:

-- That the two Marines desire to grant a television interview to Lei Alviz of GMA-7 at the U.S. Embassy.

-- That they have consulted with their defense counsel, have been advised of the pros and cons of speaking with the media, and have made an informed decision to grant the above-mentioned interview.

-- That they understand that during this interview, they may not appear in uniform and may only speak on their own behalf and not in their capacity as Marines.

The memo is signed by both SSgt Carpentier and LCpl Smith.

¶5. Embassy is facilitating this media request, now set for October 6, and will send a written memo to the Marines approving the interview and clarifying the ground rules for it.

KENNEY